



STATE OF DELAWARE
PUBLIC SERVICE COMMISSION
861 SILVER LAKE BLVD.
CANNON BUILDING, SUITE 100
DOVER, DELAWARE 19904
TELEPHONE: (302) 736-7500

February 16, 2022

Memorandum

TO: The Chairman and Members of the Commission

FROM: Islah Causey, Public Utility Analyst *LC*

SUBJECT: IN THE MATTER OF THE APPLICATION OF ADVISORS ENERGY GROUP, LLC FOR A CERTIFICATE TO PROVIDE ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF DELAWARE (FILED APRIL 18, 2016) – PSC DOCKET NO. 16-0259

Background and Summary

On June 7, 2016, in Order No. 8891, the Delaware Public Service Commission (the “Commission”) approved the Electric Supplier Certificate (“ESC”) for Advisors Energy Group, LLC to broker electricity in the State of Delaware pursuant to § 1012 of the Electric Utility Restructuring Act of 1999, 26 *Del. C.* §§ 1001 - 1020 (the “Act”) and 26 *Del. Admin. C.* § 3001, the Commission’s Rules for Certification and Regulation of Electric Suppliers (the “Supplier Rules”).¹

In accordance with Section 12.3 of the Supplier Rules, all Electric Suppliers (including Brokers) are required to file an annual report by April 30th of each year. In March of 2021, Commission Staff (“Staff”) emailed Electric Suppliers to remind them of the April 30th deadline. Several Electric Suppliers, however, still missed the deadline. Given that some companies may not have been able to meet the April 30th deadline due to the disruption of normal business practices because of the COVID-19 pandemic, Staff allotted additional time for filing the annual report. Staff made several attempts to contact the Electric Suppliers that had not filed the report, including contact by e-mail, first class mail, certified mail, telephone, the Electric Supplier’s website, and the Registered Agent on file with the Commission. On September 16, 2021, Staff sent a final letter to the delinquent Electric Suppliers warning them that to avoid revocation of their ESC, they must file their annual reports by October 11, 2021. The delivery tracking indicates that the final letter

¹Unless otherwise noted, all references to capitalized terms are set forth in the Act and/or the Supplier Rules.

was delivered to Advisors Energy Group, LLC on September 28, 2021. On January 20, 2022, Staff mailed a notice of hearing, scheduled for February 23, 2022, regarding Advisors Energy's failure to file an annual report to Advisors Energy Group, LLC and its Registered Agent. The delivery tracking indicates that the notice of hearing was delivered to Advisors Energy Group, LLC on February 9, 2022.

Advisors Energy Group, LLC did not respond to any of the correspondence from Staff and has yet to file the required annual report.

Staff Recommendation

Section 2.14.3 of the Supplier Rules provides the following:

The Commission will consider an ESC to be relinquished if the Electric Supplier does not provide the required yearly compliance filing in subsection 12.3 of these Regulations within ninety (90) days of the required date. An Electric Supplier shall be allowed 30 days' notice to cure a late annual filing.

Advisors Energy Group, LLC failed to file its annual report within 90 days of the April 30th deadline and was allowed more than 30 days' notice to cure, as set forth in Staff's letters dated September 16, 2021, and January 20, 2022.

For these reasons, Staff recommends that the Commission consider Advisors Energy Group, LLC's ESC to be relinquished for not providing the required annual compliance filing under subsection 12.3 of the Supplier Rules. Advisors Energy Group, LLC is only authorized to operate as a Broker in Delaware and therefore does not provide Electric Supply Service directly to any Delaware Customers. Staff therefore recommends that the relinquishment of the ESC be effective immediately.